

108TH CONGRESS
1ST SESSION

S. CON. RES. 13

Condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. CORZINE, and Mr. SCHUMER) submitted the following concurrent resolution; which was ordered held at the desk

CONCURRENT RESOLUTION

Condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

Whereas on January 20, 2003, Libya, a gross violator of human rights and State sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights (the “Commission”), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system that governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the Government of South Africa's decision to support the election of Libya was an insult to human rights and that African countries "should have supported a candidate of whom all Africans could be proud";

Whereas Amnesty International has repeatedly documented that the human rights situation in Libya continues to seriously deteriorate, with systematic occurrences of gross human rights violations, including the extrajudicial execution of government opponents and the routine torture, and occasional resulting death, of political detainees during interrogation;

Whereas Human Rights Watch recently declared that "[o]ver the past three decades, Libya's human rights record has been appalling" and that "Libya has been a closed country for United Nations and nongovernmental human rights investigators";

Whereas Human Rights Watch further asserted that "Libya's election poses a real test for the Commission," observing that "[r]epressive governments must not be allowed to hijack the United Nations human rights system";

Whereas the Lawyers Committee for Human Rights urged that "the Government of Libya should not be entrusted by the United Nations to lead its international effort to promote human rights around the world";

Whereas Freedom House declared that "[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the United Nation's

main human rights monitoring body” because it would “undermine the United Nation’s moral authority and send a strong and clear message to fellow rights violators that they are in the clear”;

Whereas on November 13, 2001, a German court convicted a Libyan national for the 1986 bombing of the La Belle disco club in Berlin which killed two United States servicemen, and the court further declared that there was clear evidence of responsibility of the Government of Libya for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American World Airways Flight 103 (“Pan Am Flight 103”) en route from London to New York City that crashed in Lockerbie, Scotland, killing 259 passengers and crew and 11 other people on the ground;

Whereas a French court convicted 6 Libyan government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas, in response to Libya’s complicity in international terrorism, United Nations Security Council Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Security Council Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in other countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Security Council Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all Member States, and further expressed the intention of the United Nations to consider additional measures if the individuals charged in connection with the bombings of Pan Am Flight 103 and UTA Flight 772 had not promptly arrived or appeared for trial on those charges in accordance with paragraph (8) of that Resolution;

Whereas in January 2001, a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said the court accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002, a five-judge Scottish appeals court sitting in the Netherlands upheld the conviction;

Whereas United Nations Security Council Resolutions 731, 748, 883, and 1192 demanded that the Government of Libya provide appropriate compensation to the families of the victims, accept responsibility for the actions of Libyan officials in the bombing of Pan Am Flight 103, provide a full accounting of its involvement in that terrorist act, and cease all support for terrorism;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded

1 vote among Commission members on Libya's chairman-
2 ship;

3 Whereas Canada and one other country joined the United
4 States in voting against Libya, with 17 countries ab-
5 staining from the recorded vote among Commission
6 members on Libya's chairmanship of the Commission;

7 Whereas the common position of the members of the Eu-
8 ropean Union was to abstain from the recorded vote
9 on the selection of Libya as chair of the Commission;

10 Whereas 33 countries ignored Libya's record on human
11 rights and status as a country subject to United Na-
12 tions sanctions for the terrorist bombing of Pan Am
13 Flight 103 and voted for Libya to lead the Commis-
14 sion;

15 Whereas the majority of the countries that voted for Libya
16 are recipients of United States foreign aid;

17 Whereas the selection of Libya to chair the Commission
18 is only the most recent example of a malaise plaguing
19 the Commission that has called into question the Com-
20 mission's credibility as the membership ranks of the
21 Commission have swelled in recent years with coun-
22 tries that have a history of egregious human rights
23 violations;

24 Whereas the challenge by the United States to the selec-
25 tion of Libya is part of a broader effort to reform the

1 Commission, reclaim it from the oppressors, and en-
2 sure that it fulfills its mandate;

3 Whereas on January 20, 2003, Ambassador Kevin Moley,
4 United States Permanent Representative to the
5 United Nations and Other International Organiza-
6 tions in Geneva, emphasized that the United States
7 “seek[s] to actively engage and strengthen the moral
8 authority of the Commission on Human Rights, so
9 that it once again proves itself a forceful advocate for
10 those in need of having their human rights protected”
11 and that “[w]e are convinced that the best way for
12 the Commission to ensure the ideals of the Universal
13 Declaration of Human Rights over the long-term is
14 to have a membership comprised of countries with
15 strong human rights records at home”;

16 Whereas a majority of the 53 member states of the Com-
17 mission are participants in the Community of Democ-
18 racies and signed the Community of Democracies
19 Statement on Terrorism (the “Statement on Ter-
20 rorism”) on November 12, 2002, at the Second Min-
21 isterial Conference of the Community of Democracies
22 held in Seoul, South Korea (the “Seoul Ministerial”),
23 calling upon democratic nations to work together to
24 uphold the principles of democracy, freedom, good

1 governance, and accountability in international orga-
 2 nizations;

3 Whereas the Seoul Ministerial participants declared in the
 4 Statement on Terrorism that they “strongly de-
 5 nounced terrorism as a grave threat to democratic so-
 6 cieties and the values they embrace[,]...reaffirmed
 7 that terrorism constitutes a threat to international
 8 peace and security as well as to humanity in general
 9 and indeed to the very foundation on which democ-
 10 racies are built[,]” and stated that “[t]he most recent
 11 terrorist attacks confirm that international coopera-
 12 tion against terrorism will remain a long-term effort
 13 and requires a sustained universal commitment”;

14 Whereas the United Nations sanctions against Libya,
 15 though suspended, remain in effect; and

16 Whereas Libya’s continued status as an international out-
 17 law nation and its continued unwillingness to accept
 18 responsibility for its terrorist actions provide ample
 19 justification for barring Libya from consideration as
 20 a candidate for membership in the United Nations Se-
 21 curity Council or any other United Nations entity or
 22 affiliated agency: Now, therefore, be it

23 *Resolved by the Senate (the House of Representatives*
 24 *concurring), That Congress—*

1 (1) strongly condemns the selection of Libya to
2 chair the United Nations Commission on Human
3 Rights (the “Commission”);

4 (2) commends the President for the principled
5 position of the United States in objecting to and
6 calling for a vote on Libya’s chairmanship of the
7 Commission;

8 (3) commends countries that joined the United
9 States in objecting to Libya’s selection as chair of
10 the Commission;

11 (4) expresses its dismay at the European Union
12 countries’ common position of abstention on the crit-
13 ical vote over Libya’s chairmanship;

14 (5) expresses its shock and dismay over the
15 support provided to Libya in its efforts to lead the
16 Commission;

17 (6) highlights its grave concern over the con-
18 tinuing efforts of countries violating human rights
19 and terrorist countries to use international fora—

20 (A) to legitimize their regimes; and

21 (B) to continue to act with impunity;

22 (7) calls on the President to raise United States
23 objections to such efforts during bilateral and multi-
24 lateral discussions and to direct pertinent members
25 of the President’s Cabinet to do the same;

1 (8) calls on countries at various stages of de-
2 mocratization to—

3 (A) demonstrate their commitment to
4 human rights, democracy, peace and security;
5 and

6 (B) support efforts to reform the Commis-
7 sion;

8 (9) calls on the President to instruct the Sec-
9 retary of State to consult with the appropriate con-
10 gressional committees, within 60 calendar days after
11 the adoption of this resolution, regarding the prior-
12 ities and strategy of the United States for the 59th
13 session of the Commission on Human Rights and its
14 strategy and proposals for reform of the Commis-
15 sion;

16 (10) calls on the President to issue an objection
17 to the continued suspension of United Nations sanc-
18 tions against Libya until the Government of Libya—

19 (A) publicly accepts responsibility for the
20 bombing of Pan American World Airways
21 Flight 103;

22 (B) provides appropriate compensation to
23 the victims of the bombing; and

24 (C) fully complies with all of the other re-
25 quirements of the United Nations sanctions im-

1 posed as a result of Libya's orchestration of the
2 terrorist attack on Pan American World Air-
3 ways Flight 103; and

4 (11) calls on the Secretary of State to engage
5 Member States of the United Nations to support ef-
6 forts to ensure that states that are gross violators of
7 human rights, sponsors of terrorist activities, or sub-
8 jects of United Nations sanctions are not elected
9 to—

10 (A) leadership positions in the United Na-
11 tions General Assembly; or

12 (B) membership or leadership positions on
13 the United Nations Commission on Human
14 Rights, the United Nations Security Council, or
15 any other United Nations entity or affiliate.

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